

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 09-3078 JB

DUNCAN SELPH,

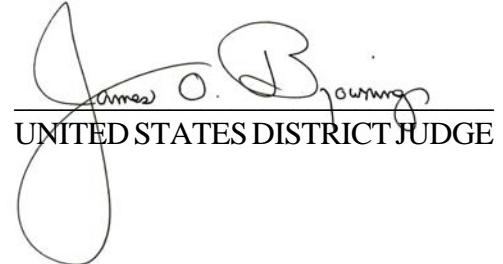
Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant's Sentencing Memorandum and Request for Approval of Plea Agreement Pursuant to F.R.C.P. 11(c)(1)(C), filed August 21, 2011 (Doc. 359). The Court held a sentencing hearing on September 27, 2011. The primary issue is whether the Court should sentence Defendant Duncan Selph in accordance with the terms of his rule 11(c)(1)(C) plea agreement. The Court has carefully considered the Presentence Investigation Report and the oral arguments made at the sentencing hearing, and, for the reasons stated on the record, and for further reasons consistent with those already stated, the Court will sentence Selph in accordance with the terms of the rule 11(c)(1)(C) plea agreement. A sentence of 41 months is at the low-end of the advisory guideline range.

IT IS ORDERED that the request in the Defendant's Sentencing Memorandum and Request for Approval of Plea Agreement Pursuant to F.R.C.P. 11(c)(1)(C) is granted. The Court will: (I) sentence Defendant Duncan Selph to 41-months incarceration on each Count to which he pled guilty; (ii) order that he serve the sentences concurrently; (iii) order that he serve his federal sentences concurrently with his state sentences; (iv) order three years of supervised release;

- (v) recommend that he be allowed in the 500-hour Bureau of Prisons Drug and Alcohol Program;
- (vi) and dismiss all remaining charges.



James O. B. Dowling
UNITED STATES DISTRICT JUDGE

Counsel:

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